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# STATE SCHOOL BOARD ELECTION HISTORY

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## LEGISLATIVE HISTORY

### I. CURRENT CONSTITUTIONAL LANGUAGE

The general control and supervision of the public education system shall be vested in a State Board of Education. The membership of the board shall be established and elected as provided by statute. The State Board of Education shall appoint a State Superintendent of Public Instruction who shall be the executive officer of the board.

### II. LEGISLATIVE HISTORY

#### 1896 **Article Adopted:** Utah Const. art. X, § 8:

The general control and supervision of the Public School System shall be vested in a State Board of Education, consisting of the Superintendent of Public Instruction, and such other persons as the Legislature may provide.

#### 1949 **Article Amended:** Utah Const. art. X, § 8:

The general control and supervision of the public school system shall be vested in a State Board of Education~~[, consisting of the Superintendent of Public Instruction, and such other persons as the Legislature may provide.]~~ the members of which shall be elected as provided by law. The Board shall appoint the State Superintendent of Public Instruction who shall be the executive officer of the board.

#### 1986 **Second Special Session**

**Section Renumbered and Amended:** Utah Const. art. X, § 3 renumbered from Utah Const. art. 10, § 8:

The general control and supervision of the public [school] education system shall be vested in a State Board of Education [~~the members~~]. The membership of [which] the board shall be established and elected as provided by [law] statute. The State Board of Education shall appoint [~~the~~] a State Superintendent of Public Instruction who shall be the executive officer of the board.

## SUMMARY OF STATE SCHOOL BOARD ELECTION HISTORY

1951

- State board consists of nine members. The term of office shall be six years.
- Elections districts coincide with judicial districts and shall be conducted as part of the general election.
- Secretary of State shall call a regional convention for those districts in which an election is to be held. At the end of the convention the Secretary shall certify the name of each candidate nominated.
- Any qualified person may be nominated for election upon filing a petition of nomination signed by not less than fifty qualified and registered electors residing within the district. Petition of nomination is filed with the Secretary of State.
- Each regional convention shall nominate at least two candidates.

1953

- Term of office changed to four years.

1972

- Increased the board membership to eleven.
- Designated election districts by school districts and designated the number of board members to be elected per district.
- Petition for nomination requires 100 qualified and registered electors.
- There shall be elected at the regular primary election in each district which a term of office has expired, nominees equal to two times the number of expired terms.
- Candidates receiving the highest votes in primary election shall be declared the nominees in the November election.

1981

- Decreased the board membership to nine.
- Established state board of education districts according to official census population figures and maps of the Bureau of the Census.
- Changed the year in which certain districts shall call elections.

1986

- One member is elected from each state board district.
- Changed qualifications of candidates
  - candidate shall be a resident and a qualified and registered voter;
  - file a notice of candidacy in accordance with the time requirements of Subsection 20-4-9(1); and
  - pay a filing fee of \$50
- Notice of candidacy shall be filed with the lieutenant governor.
- Elections for membership shall be held in accordance with Title 20. Except that the names of candidates are to be placed on the election ballots in an order determined by a lottery conducted in an even-handed manner by the lieutenant governor.

**1988**

- Repealed Title 53 and renumbered to Title 53A. Provided for technical nonsubstantive changes.

**1991**

- Governor shall select a nominating committee for each state board district.
- The nominating committee is comprised of seven members, who reside in the state board district. Each member shall serve a one-year term.
- Formal action requires approval of at least four members.
- By August 1, the nominating committee shall submit a list of up to five but no fewer than three candidates. The list shall include appropriate background information on each candidate.
- An individual who wants to be considered shall submit a written request for consideration.
- By September 1, the governor shall select two candidates from the named persons on each list.
- If the governor fails to select two candidates, the nominating committee shall select two candidates.
- Names of candidates shall appear under a nonpartisan designation in an order determined by lottery conducted by the lieutenant governor.
- The ballot shall provide for a write-in candidate.
- The requirements and procedures of Title 20 apply.

**1991 Second Special Session**

- Increased the number of board members to 15.
- Changed numbers and boundaries of the board districts in connection with the 1990 national decennial census.

**1995**

- Repealed the nomination and election of state and local schools board from Title 53A and enacted similar provisions in Title 20A, Chapter 14.

**1998**

- Prohibits a member of the State Board of Education from serving as an employee of the Board, the Utah State Office of Education, the Utah State Office of Rehabilitation, an applied technology center, or the Utah Schools for the Deaf and the Blind.

**2001 First Special Session**

- Two members of the State Board of Regents shall serve as nonvoting members on the board.

**2001 Second Special Session**

- Changed numbers and boundaries of the board districts in connection with the 2000 national decennial census.
- Prohibits a member of the State Board of Education from serving as an employee of the Board, the Utah State Office of Education, or the Utah State Office of Rehabilitation.

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# STATE SCHOOL BOARD ELECTION HISTORY- STATUTES

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## LEGISLATIVE HISTORY

### I. CURRENT STATUTORY LANGUAGE

Members of the State Board of Education shall be nominated and elected as provided in Title 20A, Chapter 14, Nomination and Election of State and Local School Boards.

### II. LEGISLATIVE HISTORY

#### 1951 Second Special Session

**Section Enacted:** Utah Code Ann. § 75-7-1:

The state board of education shall consist of nine persons elected by qualified registered electors according to election districts, as hereinafter provided, or appointed to fill an unexpired term by regional conventions of members of district school boards as hereinafter provided. Each member of the state board of education shall be and remain a resident, and a qualified and registered elector, of the election district from which he is elected or appointed. The term of office of a regularly elected member shall be for six years, beginning January first following his election, or until his successor is legally elected and qualified. Before entering upon the discharge of his duties, each member shall qualify by taking the constitutional oath of office.

**1953 Code Recodification:** Section § 53-2-1 renumbered from Section § 75-7-1.

#### 1953 First Special Session

**Section Amended:** Utah Code Ann. § 53-2-1:

The state board of education shall consist of nine persons elected by qualified registered electors according to election districts, as hereinafter provided, or appointed to fill an unexpired term by regional conventions of members of district school boards as hereinafter provided. Each member of the state board of education shall be and remain a resident, and a qualified and registered elector, of the election district from which he is elected or appointed. The term of office of a regularly elected member shall be for ~~six~~ four years, beginning January first following his election, or until his successor is legally elected and qualified.

Before entering upon the discharge of his duties, each member shall qualify by taking the constitutional oath of office.

**1972 Section Amended:** Utah Code Ann. § 53-2-1:

The state board of education shall consist of [~~nine~~] eleven persons elected by qualified registered electors according to election districts, as hereinafter provided, or appointed to fill an unexpired term [~~by regional conventions of members of district school boards~~] as hereinafter provided. Each member of the state board of education shall be and remain a resident, and a qualified and registered elector, of the election district from which he is elected or appointed. [~~The~~] Except for those members taking office initially for terms of office of two years each under section 53-2-6, the term of office of a regularly elected member shall be for four years, beginning January first following his election, or until his successor is legally elected and qualified. Before entering upon the discharge of his duties, each member shall qualify by taking the constitutional oath of office.

**1981 First Special Session**

**Section Amended:** Utah Code Ann. § 53-2-1:

The state board of education [~~shall consist~~] consists of [~~eleven~~] nine persons elected by qualified registered electors according to election districts, as hereinafter provided, or appointed to fill an unexpired term as hereinafter provided. Each member of the state board of education shall be and remain a resident, and a qualified and registered elector, of the election district from which he is elected or appointed. Except for those members taking office initially for terms of office of two years each under section 53-2-6, the term of office of a regularly elected member shall be for four years, beginning January first following his election, or until his successor is legally elected and qualified. Before entering upon the discharge of his duties, each member shall qualify by taking the constitutional oath of office.

**1986 Section Repealed and Reenacted:** Utah Code Ann. § 53-2-1:

(1) The State Board of Education consists of nine nonpartisan members. One member is elected from each state board district. Vacancies that occur prior to expiration of a term are filled by appointment under Section 53-2-7. A member must be and remain a resident and a qualified and registered elector of the state board election district from which the member was elected or appointed.

(2) The term of office of an elected member is four years. It begins on the first Monday in January following the election and continues until a successor is elected or appointed and qualified. In 1982 and every four years thereafter, one

member each is elected from districts 1, 3, 5, 7, and 9. In 1984 and every four years thereafter, one member each is elected from districts 2, 4, 6, and 8.

(3) Each member qualifies by taking the constitutional oath of office before assuming office. Each elected member shall file the appropriate certificate of election with the state board before assuming office.

**1988 Section Enacted:** Utah Code Ann. § 53A-1-101 (Formerly § 53-2-1):

(1) The State Board of Education consists of nine nonpartisan members. One member shall be elected from each state board district. Candidates for board positions shall file a notice of candidacy with the lieutenant governor in accordance with the time requirements of Section 20-4-9 and pay a filing fee of \$50. Vacancies that occur prior to expiration of a term shall be filled by appointment under Section 53A-1-104. A member must be and remain a resident and a qualified and registered elector of the state board election district from which the member was elected or appointed.

(2) Unless otherwise provided by law, the term of office of an elected member is four years. It begins on the first Monday in January following the election and continues until a successor is elected or appointed and qualified. In 1982 and every four years thereafter, one member each shall be elected from districts 1, 3, 5, 7, and 9. In 1984 and every four years thereafter, one member each shall be elected from districts 2, 4, 6, and 8.

(3) To qualify, each member shall take the constitutional oath of office before assuming office. Each elected member shall file the appropriate certificate of election with the state board before assuming office.

**1991 Section Amended:** Utah Code Ann. § 53A-1-101:

(1) The State Board of Education consists of nine nonpartisan members. One member shall be elected from each state board district as provided in Section 53A-1-103. [~~Candidates for board positions shall file a notice of candidacy with the lieutenant governor in accordance with the time requirements of Section 20-4-9 and pay a filing fee of \$50. Vacancies that occur~~]

(2) A vacancy that occurs prior to expiration of a term shall be filled by appointment under Section 53A-1-104.

(3) A member must be and remain [a resident and] a qualified and registered elector of, and maintain a primary residence within, the state board election district from which the member was elected or appointed.

(4) The lieutenant governor shall review disputes over a candidate's or member's status requirements under Subsection (3). If the requirements have not been met, the lieutenant governor shall declare the candidacy as void or the member's seat vacant.

~~[(2) Unless otherwise provided by law, the]~~ (5) The term of office of an elected member is four years. It begins on the first Monday in January following the election and continues until a successor is elected or appointed and qualified.

(6) In ~~[1982]~~ 1990 and every four years thereafter, one member each shall be elected from districts 1, 3, 5, 7, and 9. In ~~[1984]~~ 1988 and every four years thereafter, one member each shall be elected from districts 2, 4, 6, and 8.

~~[(3)]~~ (7) To qualify, each member shall take the constitutional oath of office before assuming office. Each elected member shall file the appropriate certificate of election with the state board before assuming office.

#### 1991 Second Special Session

**Section Amended:** Utah Code Ann. § 53A-1-101:

(1) The State Board of Education ~~[consists]~~ shall consist of ~~[nine]~~ 15 nonpartisan members. One member shall be elected from each ~~[state]~~ board district as provided in Section 53A-1-103.

(2) A vacancy . . . .

(3) A member ~~[must]~~ shall be and remain a qualified and registered elector of, and maintain a primary residence within, the ~~[state]~~ board ~~[election]~~ district from which the member was elected or appointed.

(4) The lieutenant . . . .

(5) The term of office of an elected member is four years. It ~~[begins]~~ shall begin on the first Monday in January following the election and ~~[continues]~~ shall continue until a qualified successor is elected or appointed ~~[and qualified]~~.

(6) In ~~[1990]~~ 1994 and every four years thereafter, one member each shall be elected from districts 1, 3, 5, 7, ~~[and]~~ 9, 10 and 13.

(b) In ~~[1988]~~ 1992 and every four years thereafter, one member each shall be elected from districts 2, 4, 6, ~~[and]~~ 8, 11, 12, 14, and 15. Because of the combination of certain districts in the redistricting plan established in Section 53A-1-102, the board members elected from previous board districts 4 and 5 shall

not serve out the term of office for which they were elected, but shall stand for election in 1992 for a term of office of four years from the realigned district in which each resides.

(7) To qualify . . . .

**1992 Section Amended:** Utah Code Ann. § 53A-1-101 (technical amendments):

(1) (a) The State Board of Education shall consist of 15 nonpartisan members.

(b) One member shall be elected from each board district as provided in Section 53A-1-103.

(2) . . . .

**1995 Section Repealed and Reenacted:** Utah Code Ann. § 53A-1-101:

Members of the State Board of Education shall be nominated and elected as provided in Title 20A, Chapter 14, Nomination and Election of State and Local School Boards.

**Section Enacted:** Utah Code Ann. § 20A-14-101:

(1) The state is divided into 15 districts for the election of members of the State Board of Education.

(2) Each district may elect one member to the State Board of Education.

**Section Enacted:** Utah Code Ann. § 20A-14-103:

(1) (a) In 1994 and every four years thereafter, one member each shall be elected from Districts 1, 3, 5, 7, 9, 10, and 13 to serve a four-year term.

(b) In 1992 and every four years thereafter, one member each shall be elected from Districts 2, 4, 6, 8, 11, 12, 14, and 15 to serve a four-year term.

(2) A member shall:

(a) be and remain a registered voter in the board district from which the member was elected or appointed; and

(b) maintain his primary residence within the board district from which the member was elected or appointed.

**1998 Section Amended:** Utah Code Ann. § 20A-14-103:

(1) (a) In 1994 . . . .



(2) A member shall . . .

(3) A member of the State Board of Education may not, during the member's term of office, also serve as an employee of the board, the Utah State Office of Education, or the Utah State Office of Rehabilitation, or as an employee or board member for an applied technology center or the Utah Schools for the Deaf and the Blind.

## **2001 First Special Session**

**Section Amended:** Utah Code Ann. § 53A-1-101:

(1) Members of the State Board of Education shall be nominated and elected as provided in Title 20A, Chapter 14, Nomination and Election of State and Local School Boards.

(2) (a) In addition to the members designated under Subsection (1), two members of the State Board of Regents, appointed by the chair of the State Board of Regents, shall serve as nonvoting members of the State Board of Education.

(b) A nonvoting member shall continue to serve as a member without a set term until the member is replaced by the chair of the State Board of Regents.

## **2001 Second Special Session:**

**Section Repealed and Reenacted:** Utah Code Ann. § 20A-14-101:

(1) The State Board of Education shall consist of 15 members, with one member to be elected from each State Board of Education district.

(2) (a) The Legislature adopts the official census population figures and maps of the Bureau of the Census of the United States Department of Commerce developed in connection with the taking of the 2000 national decennial census as the official data for establishing state board district boundaries.

(b) The numbers and boundaries of the state board districts are designated and established by the maps attached to the bill that enacts this section.

**Section Repealed and Reenacted:** Utah Code Ann. § 20A-14-103:

(1) (a) In 2002 and every four years thereafter, one member each shall be elected from new Districts 2, 3, 5, 6, 9, 10, 14, and 15 to serve a four-year term.

(b) In 2004 and every four years thereafter, one member each shall be elected from new Districts 4, 7, 8, 11, 12, and 13 to serve a four-year term.

(c) (i) Because of the combination of certain former districts, the state school board members elected from old Districts 2 and 4 who will reside in new District

1 may not serve out the term for which they were elected, but shall stand for election in 2002 for a term of office of four years from the realigned district in which each resides.

(ii) If one of the incumbent state school board members from new District 1 indicates in writing to the lieutenant governor that the school board member will not seek reelection, that incumbent state school board member may serve until January 1, 2003 and the other incumbent state school board member shall serve out the term for which the member was elected, which is until January 1, 2005.

(2) A member shall:

(a) be and remain a registered voter in the board district from which the member was elected or appointed; and

(b) maintain his primary residence within the board district from which the member was elected or appointed.

(3) A member of the State Board of Education may not, during the member's term of office, also serve as an employee of the board, the Utah State Office of Education, or the Utah State Office of Rehabilitation.